From: California Law360
To: Waters, Al (SHF)
Subject: Alsup Rips "Obstinate" Attys, Patent "BS" In Finjan-Juniper War
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Law360 California

CALIFORNIA

Friday, May 10, 2019

TOP NEWS

Alsup Rips 'Obstinate' Attys, Patent 'BS' In Finjan-Juniper War

U.S. District Judge William Alsup threw up his hands Thursday at cybersecurity firms Finjan and Juniper Networks as they continued battling it out following December's "showdown" trial over malware detection technology, calling their attorneys "obstinate" and saying he's tired of "all the BS that goes on" in patent litigation.

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Uber's $8.1B IPO, Guided By 3 Firms, At Low End Of Range

Ride-sharing giant Uber Inc., represented by Cooley LLP and Covington & Burling LLP, raised $8.1 billion on Thursday in the largest U.S. initial public offering in five years, although the company raised less money than it hoped.

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Uber Pegs Driver Employment Deal Costs At $146M To $170M

On the day that Uber Technologies Inc. priced its initial public offering, the company said that it has settled claims from a large majority of the more than 60,000 U.S. drivers who allege they were misclassified as independent contractors, estimating that the deals will cost between $146 million and $170 million.

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Conan O'Brien Joke Copyright Case Settles On Eve Of Trial

Late night TV host Conan O'Brien reached a settlement Thursday on the eve of trial to end a lawsuit accusing him of stealing jokes about Caitlyn Jenner and Tom Brady.

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Analysis

SEC Fraud Suit Roils VW Bid To Shake Emissions Scandal

The U.S. Securities and Exchange Commission's allegations that Volkswagen fraudulently raised billions of dollars through bonds while failing to mention that scores of its vehicles flouted emissions standards throws a wrench in the German automaker's attempts to move past its "clean diesel" emissions scandal.

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FTC Slams Justice Dept. Filing In Qualcomm Antitrust Case

The Federal Trade Commission on Thursday highlighted an unusual split with the U.S. Department of Justice's Antitrust Division in a California federal court filing that slammed the DOJ's antitrust watchdogs for butting into the FTC's case against Qualcomm over the chipmaker's patent licensing practices.

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Fried Frank
Gibson Dunn
Gilbert & Sackman
Glaser Weil
Greene LLP
Gunderson Dettmer

LEGAL ETHICS & MALPRACTICE

Ex-MLB Star Dykstra Can Pursue Boucher Malpractice Suit

Ex-baseball star Lenny Dykstra survived a motion for summary judgment from his former attorneys Wednesday when a California state judge found he'd presented enough evidence that Boucher LLP may have botched an excessive force case against members of the Los Angeles County Sheriff's Department by failing to serve defendants.

Read full article »

Workers Want BofA, McGuireWoods Sanctioned In OT Row

A putative class of Bank of America employees who claim their employer misclassifies them as exempt from overtime have urged a California federal court to sanction the banking giant and McGuireWoods for failing to adequately cooperate in the case's discovery phase.

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POLICY & REGULATION

Proposed $213.5B Calif. Budget Reflects Huge Tax Windfall

The California state budget would reflect both the largest tax windfall and the largest budget surplus in the history of the state, according to the revised version that was released Thursday.

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REAL ESTATE & DEVELOPMENT

Calif. Coastline Regulator Hands Developer Record $15M Fine

The California Coastal Commission has handed down a record $15.6 million fine against a developer for an alleged "bait and switch" related to a hotel project in Santa Monica that saw two lower-cost motels knocked down to clear the way for a high-priced hotel.

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Real Estate Rumors: MetLife, DR Horton, Deutsche Bank

MetLife has reportedly loaned $55 million for a Denver-area multifamily property, DR Horton and Forestar are said to have picked up a Florida development site for $14.78 million and Deutsche Bank has reportedly loaned another $30.2 million for a Los Angeles-area studio expansion project.

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ENERGY & ENVIRONMENTAL

Chevron Refuses To Beat Occidental's $38B Bid For Anadarko

Chevron refused Thursday to top Occidental's competing $38 billion cash-and-stock bid for Anadarko, contending that a sweetened proposal would irresponsibly "erode" shareholder value and allowing Occidental's offer to move forward.

Read full article »

Maui Tells High Court To Reverse CWA Ruling Amid Deal Talks

Maui County, Hawaii, told the U.S. Supreme Court on Thursday that the federal government doesn't have authority under the Clean Water Act to regulate pollution sources that discharge contaminants into groundwater, and urged the justices to overturn a Ninth Circuit decision that held otherwise.

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Solar Co. Shouldn't Be Part Of Award Judgment, Court Told

A Chinese-owned solar company told a California federal court to reject Depcom Power's bid to add a Sacramento solar module manufacturer to a

Hadsell Stormer
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Hunton Andrews Kurth
Husch Blackwell
Irell & Manella
Jomarron Lopez
Kaplan Fox
Kasowitz Benson
Keker Van Nest & Peters
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Kobre & Kim
Kramer Levin
Kruzhkov Russo
Latham & Watkins
Lewis Brisbois
Littler Mendelson
Lowenstein Sandler
McGuire Law PC
McGuireWoods
Messner Reeves
Morgan Lewis
Morris Nichols
Morrison & Foerster
Nemecek & Cole
Norton Rose Fulbright
Nourse & Bowles
Ogletree Deakins
Orrick Herrington
Paul Weiss
Perkins Coie
Pierce Bainbridge
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Venable LLP
Vinson & Elkins
Wachtell Lipton
Willkie Farr
WilmerHale
Windels Marx
Zacks Freedman

COMPANIES

Aerojet Rocketdyne Holdings Inc.
Airbnb Inc.
Alibaba Group Holding Ltd.

judgment as it looks to satisfy an award, saying the module manufacturer did not control or direct any part of the underlying arbitration.

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PRODUCT LIABILITY

Chipotle Customers Fight Bid To Decertify Non-GMO Suit

Chipotle consumers have urged a California judge to reject the restaurant chain's bid to decertify three classes alleging it falsely advertised that its food was made with only nongenetically modified ingredients, saying Chipotle has nothing new for the court to review.

Read full article »

Rawlings Bat False Ad Suit Gets Two Strikes, But Not Out

A California federal judge has ruled that a proposed class of baseball bat buyers can take a swing at Rawlings over claims that the company's bats are heavier than advertised, finding that four out of six counts in the suit can go forward.

Read full article »

PRIVACY & CONSUMER PROTECTION

City Of LA's Deal Over Seized 'Bandit Taxis' Nears Green Light

A California federal judge asked for minor changes before he approves the city of Los Angeles' $1.7 million deal to resolve class claims it improperly impounded cars it had deemed were operating as unlawful "bandit taxis," saying Thursday he wants the settlement motion's math cleaned up.

Read full article »

Solar Power Provider Sent Unwanted Text Ads, Suit Claims

Residential solar power provider Sunrun Inc. promoted its products and services by sending unsolicited text advertisements to consumers who had previously declined the solicitations, a lawsuit removed to Illinois federal court on Thursday claims.

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MEDIA & ENTERTAINMENT

Guns N' Roses TM Suit Seeks Slash Of 'Guns N Rosé' Ale

Guns N' Roses is taking a brewery down to litigation city, alleging Thursday in California federal court that CANarchy Brewery Collective LLC is ripping off the rock band's trademarks with its 'Guns N Rosé' Ale and associated bandannas.

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Brooke Shields Says Product Exploits Her 'Iconic Eyebrows'

Actress and model Brooke Shields has accused a slew of major cosmetics companies and retailers, including Nordstrom Inc., Bloomingdale's Inc. and Sephora USA Inc., of attempting to "capitalize on Shields' iconic eyebrows" with the manufacture and sale of an eyebrow pencil in a shade called "Brooke S."

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EMPLOYMENT

Oil Refiner Inks $15M Deal In Operators' Rest Break Suit

Tesoro Refining and Marketing LLC has agreed to pay $15.25 million to settle a proposed class action brought by employees claiming the oil refinery operator violated California law in failing to provide proper rest breaks by keeping them on call, court papers show.

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Amazon.com Inc.
Ambit Energy Holdings LLC
American Bar Association
American Civil Liberties Union
Amgen Inc.
Anadarko Petroleum Corp.
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Autonomy Corp.
BP p.l.c.
Bank of America Corp.
Barclays Investment Bank
Berkshire Hathaway Inc.
Bloomingdale's Inc.
Boston Scientific Corp.
Chevron Corp.
China Sunergy Co. Ltd.
Chipotle Mexican Grill Inc.
Cipla Ltd.
Citigroup Inc.
Commonwealth Edison Co.
Consolidated Edison Inc.
Credit Suisse Group AG
D. R. Horton Inc.
Defenders of Wildlife
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Enbridge Energy Partners LP
Endo International PLC
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Exxon Mobil Corp.
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Finjan Holdings Inc.
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GlaxoSmithKline
Goldman Sachs Group Inc.
Google Inc.
HomeAway Inc.
Instagram Inc.
J.C. Penney Company Inc.
Juniper Networks
Litigation Insights Inc.
Lyft Inc.
Marathon Petroleum Corp.
Martha Stewart Living Omnimedia, Inc.
Mattress Firm Holding Corp.
MetLife Inc.
Michael Kors Holdings Ltd.
Millennium Health LLC
Morgan Stanley
National Rifle Association of America

SECURITIES & WHITE COLLAR

Ex-FBI Director Freeh, Glaser Weil To Join Forces

Former FBI Director Louis J. Freeh and his legal and consulting firms are teaming with Glaser Weil LLP to form a “strategic alliance” focused on providing risk management, investigations and comprehensive representation services for clients in a variety of industries.

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Fraudster Blasts DOJ's 'Bond Villain' Jab In Sentencing Memo

A former executive of British software company Autonomy convicted of accounting fraud slammed the government’s “draconian” sentencing recommendations Wednesday as well as its characterization of him as a “Bond villain” in a colorfully worded response filed in California federal court.

Read full article »

SEC Gets $2M Judgment In Oil Drilling Investment Scheme

A California federal court sided with the U.S. Securities and Exchange Commission and ordered four individuals to pay nearly $2 million for defrauding investors in an oil and gas drilling scheme whose money was largely used to fund personal expenses.

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GOVERNMENT CONTRACTS

Aerojet Rocketdyne Can't Dodge Cybersecurity FCA Claims

Aerospace and defense manufacturer Aerojet Rocketdyne must face claims that it lied about its compliance with certain cybersecurity requirements to win government contracts, a California federal judge has ruled.

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DEALS

Latham Steers Boston Scientific's $465M Spinal Device Deal

Boston Scientific said Thursday it has agreed to buy a private equity-backed medical device maker that focuses on spinal stenosis in a $465 million deal guided by Latham & Watkins, as the company looks to strengthen its pain management segment.

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IMMIGRATION

DOD Awards $5B In Border Wall Construction Deals

The U.S. Department of Defense has awarded a dozen slots on a $5 billion contract to build wall sections along the southwestern border, part of the DOD’s contentious effort to support the U.S. Department of Homeland Security at the border.

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PEOPLE

Fenwick & West Adds Startup-Focused Orrick Benefits Atty

Technology and life sciences law firm Fenwick & West LLP has picked up a new partner for its benefits and executive compensation group, announcing Wednesday that it has welcomed an Orrick partner with more than two decades of Silicon Valley lawyering experience to its Mountain View, California, office.

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EXPERT ANALYSIS

How 9th Circ. May Rule In Google Privacy Case

New York Mets
Nordstrom Inc.
Novartis AG
Occidental Petroleum Corp.
Philadelphia Phillies
Pinterest Inc.
Planned Parenthood Federation
Posillico Civil Inc
QUALCOMM Inc.
Rawlings Sporting Goods Co. Inc.
Sephora SA
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Spokeo Inc.
State Farm
Sterling Construction Company Inc
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Teva Pharmaceutical Industries Ltd.
TransPerfect Global Inc.
Twitter Inc.
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Vivint Solar Inc.
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WeWork LLC
Yves Saint Laurent SAS

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Ocean Energy Management
California Air Resources Board
California Natural Resources Agency
Consumer Financial Protection Bureau
Delaware Court of Chancery
Federal Bureau of Investigation
Federal Energy Regulatory Commission
Federal Trade Commission
Food and Drug Administration
Los Angeles County Sheriff's Department
Massachusetts Attorney General’s Office
National Aeronautics and Space Administration
Ohio Environmental Protection Agency
Port of Oakland
Securities and Exchange Commission
U.S. Attorney's Office

After the U.S. Supreme Court's recent remand of Frank v. Gaos, the Ninth Circuit will determine whether adequate standing was alleged by the class plaintiffs in their Stored Communications Act case against Google. The Ninth Circuit's 2017 opinion in Spokeo v. Robins may indicate the outcome, says Steven Malin of Chen Malin.

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Opinion

The Law Will Not Help Airbnb Evade Rental Ordinances

In denying Airbnb's legal challenge to a short-term rental ordinance set by Santa Monica, California, the Ninth Circuit has exposed gaping holes in Airbnb's attempts to overturn such regulations by manipulating federal law, says Andrew Zacks of Zacks Freedman.

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Biker TM Case Sets New Bar For First Amendment Protection

A California federal court recently refused to allow forfeiture of motorcycle club trademarks in U.S. v. Mongol Nation, a case that is part of a trend challenging the government's use of trademark regulation as infringing upon free speech, say Rebecca Fewkes and Eric Ball of Fenwick & West.

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4 Ways State AGs Are Targeting Energy Sector

State attorneys general are playing an increasingly prominent role in regulating energy and environmental activity within their states. Energy sector participants should note AG priorities and take a proactive approach, say attorneys at WilmerHale.

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LEGAL INDUSTRY

Titan Of The Plaintiffs Bar: Hausfeld's Brent Landau

A volcanic eruption in Iceland set off one of Brent Landau's most memorable travel headaches over the course of his successful career as a plaintiffs attorney. The global managing partner for Hausfeld LLP is no stranger to travel hiccups, as his role requires regular jet-setting, but he said this one was singular.

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Analysis

SoHo Grifter Shows How Style Goes On Trial

The right to wear street clothes to a criminal trial is enshrined by a 1976 U.S. Supreme Court decision, but the fashionably accused — from "SoHo Grifter" Anna Sorokin to the "Varsity Blues" celebrity defendants — raise questions about how attire can be a tactical advantage in the courtroom.

Read full article »

Workplace Legal Problems? There's A Law Firm App For That

Employment firm Littler Mendelson PC publicly debuted a new technology tool on Thursday designed to give clients quick and efficient counsel on workplace labor-related legal issues.

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TransPerfect Aided Clifford Chance's Biased Hiring, DOJ Says

The U.S. Department of Justice has accused TransPerfect of discriminating against dual citizens and non-U.S. citizens when helping Clifford Chance staff up a project in 2017.

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Senate Confirms 2nd Circ. Judge Over Dem Objections

The Senate confirmed Consovoy McCarthy Park PLLC partner Michael H. Park to the Second Circuit along partisan lines Thursday, adding a

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U.S. Department of Defense
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. Forest Service
U.S. Patent and Trademark Office
U.S. Supreme Court
United Nations
United States Court of Appeals for the Ninth Circuit
United States District Court for the Central District of California

contentious pick by President Donald Trump to the appeals court and its second new conservative jurist in as many days.

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Senate Panel Moves Kirkland Vet Toward Deputy AG Post

The Senate Judiciary Committee voted along party lines Thursday to push along the nomination of Jeffrey Rosen for deputy attorney general, over protests from Democrats that Rosen doesn't have the experience to be second in command at the Department of Justice.

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Trump To Challenge Nationwide Injunctions At Supreme Court

The Trump administration will soon challenge the legality of nationwide injunctions before the U.S. Supreme Court, Vice President Mike Pence has said, criticizing individual federal district judges for standing in the way of many of the president's controversial policies.

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ABA To Prosecutors: Plea Deal Ethics Cover Small Crimes Too

The American Bar Association on Thursday issued a new ethics opinion that clarified that the organization's model rules for prosecutors when negotiating plea bargains should also apply during misdemeanor cases, just as they do for more serious offenses.

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Law360's Weekly Verdict: Legal Lions & Lambs

Boston-based Greene LLP earned the title of legal lion this week after the First Circuit flipped a $34 million False Claims Act award from another whistleblower to the firm's client, while Dechert LLP was among the legal lambs after a federal jury hit client GSK with a $90 million patent verdict.

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